

SO. CAL. EQUAL ACCESS GROUP
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DENNIS COOPER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DENNIS COOPER,
Plaintiff,

vs.

FLAGSTAR FINANCIAL, INC.; and
DOES 1 to 10,
Defendants.

Case No.:

COMPLAINT FOR INJUNCTIVE
RELIEF AND DAMAGES FOR DENIAL
OF CIVIL RIGHTS OF A DISABLED
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL
RIGHTS ACT;

3. CALIFORNIA'S DISABLED
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY
CODE;

5. NEGLIGENCE

Plaintiff DENNIS COOPER ("Plaintiff") complains of Defendants FLAGSTAR
FINANCIAL, INC.; and DOES 1 to 10 ("Defendants") and alleges as follows:

PARTIES

1. Plaintiff is a California resident with a physical disability. Plaintiff is a
paraplegic and is substantially limited in his ability to walk. Plaintiff requires the use of a
wheelchair at all times when traveling in public.

1 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real
2 property which is the subject of this action is located in this district, San Bernardino
3 County, California, and that all actions complained of herein take place in this district.

4 **FACTUAL ALLEGATIONS**

5 10. In or about March of 2025, Plaintiff went to the Business.

6 11. The Business is a bank business establishment, open to the public, and is a
7 place of public accommodation that affects commerce through its operation. Defendants
8 provide parking spaces for customers.

9 12. While attempting to enter the Business during each visit, Plaintiff personally
10 encountered a number of barriers that interfered with his ability to use and enjoy the
11 goods, services, privileges, and accommodations offered at the Business.

12 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business
13 included, but were not limited to, the following:

14 a. Defendants failed to comply with the federal and state standards for
15 the parking space designated for persons with disabilities. Defendants
16 failed to provide an access aisle with level surface slope as there were
17 permanent ramps installed within the boundaries of the access aisles
18 and there were bollards and handrails improperly installed on the
19 access aisles.

20 b. Defendants failed to comply with the federal and state standards for
21 the parking space designated for persons with disabilities. Defendants
22 failed to post required signage such as "Van Accessible."

23 14. These barriers and conditions denied Plaintiff the full and equal access to the
24 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and
25 patronize the Business; however, Plaintiff is deterred from visiting the Business because
26 his knowledge of these violations prevents him from returning until the barriers are
27 removed.
28

1 15. Based on the violations, Plaintiff alleges, on information and belief, that
 2 there are additional barriers to accessibility at the Business after further site inspection.
 3 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*
 4 *Eleven, Inc.* 524 F.3d 1034 (9th Cir. 2008).

5 16. In addition, Plaintiff alleges, on information and belief, that Defendants
 6 knew that particular barriers render the Business inaccessible, violate state and federal
 7 law, and interfere with access for the physically disabled.

8 17. At all relevant times, Defendants had and still have control and dominion
 9 over the conditions at this location and had and still have the financial resources to
 10 remove these barriers without much difficulty or expenses to make the Business
 11 accessible to the physically disabled in compliance with ADDAG and Title 24
 12 regulations. Defendants have not removed such barriers and have not modified the
 13 Business to conform to accessibility regulations.

14 **FIRST CAUSE OF ACTION**

15 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

16 18. Plaintiff incorporates by reference each of the allegations in all prior
 17 paragraphs in this complaint.

18 19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual
 19 shall be discriminated against on the basis of disability in the full and equal enjoyment of
 20 the goods, services, facilities, privileges, advantages, or accommodations of any place of
 21 public accommodation by any person who owns, leases, or leases to, or operates a place
 22 of public accommodation. *See* 42 U.S.C. § 12182(a).

23 20. Discrimination, *inter alia*, includes:

- 24 a. A failure to make reasonable modification in policies, practices, or
 25 procedures, when such modifications are necessary to afford such
 26 goods, services, facilities, privileges, advantages, or accommodations
 27 to individuals with disabilities, unless the entity can demonstrate that
 28 making such modifications would fundamentally alter the nature of

1 such goods, services, facilities, privileges, advantages, or
2 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

3 b. A failure to take such steps as may be necessary to ensure that no
4 individual with a disability is excluded, denied services, segregated or
5 otherwise treated differently than other individuals because of the
6 absence of auxiliary aids and services, unless the entity can
7 demonstrate that taking such steps would fundamentally alter the
8 nature of the good, service, facility, privilege, advantage, or
9 accommodation being offered or would result in an undue burden. 42
10 U.S.C. § 12182(b)(2)(A)(iii).

11 c. A failure to remove architectural barriers, and communication barriers
12 that are structural in nature, in existing facilities, and transportation
13 barriers in existing vehicles and rail passenger cars used by an
14 establishment for transporting individuals (not including barriers that
15 can only be removed through the retrofitting of vehicles or rail
16 passenger cars by the installation of a hydraulic or other lift), where
17 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

18 d. A failure to make alterations in such a manner that, to the maximum
19 extent feasible, the altered portions of the facility are readily
20 accessible to and usable by individuals with disabilities, including
21 individuals who use wheelchairs or to ensure that, to the maximum
22 extent feasible, the path of travel to the altered area and the
23 bathrooms, telephones, and drinking fountains serving the altered
24 area, are readily accessible to and usable by individuals with
25 disabilities where such alterations to the path or travel or the
26 bathrooms, telephones, and drinking fountains serving the altered area
27 are not disproportionate to the overall alterations in terms of cost and
28 scope. 42 U.S.C. § 12183(a)(2).

1 21. Where parking spaces are provided, accessible parking spaces shall be
2 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every
3 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in
4 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA
5 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall
6 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

7 22. Defendants failed to provide the signs stating, “Van Accessible.”

8 23. Under the 1991 Standards, parking spaces and access aisles must be level
9 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.
10 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles
11 shall be part of an accessible route to the building or facility entrance and shall comply
12 with 4.3. Two accessible parking spaces may share a common access aisle. Parked
13 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces
14 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all
15 directions. 1991 Standards § 4.6.3.

16 24. Here, the access aisles are not level with the parking spaces as there were
17 permanent ramps installed within the boundary of the access aisle and there were bollards
18 and handrails improperly installed on the access aisles. Under the 2010 Standards, access
19 aisles shall be at the same level as the parking spaces they serve. Changes in level are not
20 permitted. 2010 Standards § 502.4. “Access aisles are required to be nearly level in all
21 directions to provide a surface for transfer to and from vehicles.” 2010 Standards § 502.4
22 Advisory. Id. No more than a 1:48 slope is permitted as there was a permanent ramp
23 installed within the boundary of the access aisle.

24 25. A public accommodation shall maintain in operable working condition those
25 features of facilities and equipment that are required to be readily accessible to and usable
26 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

1 26. By failing to maintain the facility to be readily accessible and usable by
2 Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related
3 regulations.

4 27. The Business has denied and continues to deny full and equal access to
5 Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be
6 discriminated against due to the lack of accessible facilities, and therefore, seeks
7 injunctive relief to alter facilities to make such facilities readily accessible to and usable
8 by individuals with disabilities.

9 **SECOND CAUSE OF ACTION**

10 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

11 28. Plaintiff incorporates by reference each of the allegations in all prior
12 paragraphs in this complaint.

13 29. California Civil Code § 51 states, "All persons within the jurisdiction of this
14 state are free and equal, and no matter what their sex, race, color, religion, ancestry,
15 national origin, disability, medical condition, genetic information, marital status, sexual
16 orientation, citizenship, primary language, or immigration status are entitled to the full
17 and equal accommodations, advantages, facilities, privileges, or services in all business
18 establishments of every kind whatsoever."

19 30. California Civil Code § 52 states, "Whoever denies, aids or incites a denial,
20 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable
21 for each and every offense for the actual damages, and any amount that may be
22 determined by a jury, or a court sitting without a jury, up to a maximum of three times the
23 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any
24 attorney's fees that may be determined by the court in addition thereto, suffered by any
25 person denied the rights provided in Section 51, 51.5, or 51.6.

26 31. California Civil Code § 51(f) specifies, "a violation of the right of any
27 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)
28 shall also constitute a violation of this section."

1 case less than one thousand dollars (\$1,000) and any attorney's fees that may be
 2 determined by the court in addition thereto, suffered by any person denied the rights
 3 provided in Section 54, 54.1, and 54.2.

4 37. California Civil Code § 54(d) specifies, "a violation of the right of an
 5 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also
 6 constitute a violation of this section, and nothing in this section shall be construed to limit
 7 the access of any person in violation of that act.

8 38. The actions and omissions of Defendants alleged herein constitute a denial
 9 of full and equal accommodation, advantages, and facilities by physically disabled
 10 persons within the meaning of California Civil Code § 54. Defendants have
 11 discriminated against Plaintiff in violation of California Civil Code § 54.

12 39. The violations of the California Disabled Persons Act caused Plaintiff to
 13 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for
 14 statutory damages as specified in California Civil Code §55.56(a)-(c).

15 **FOURTH CAUSE OF ACTION**

16 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

17 40. Plaintiff incorporates by reference each of the allegations in all prior
 18 paragraphs in this complaint.

19 41. Plaintiff and other similar physically disabled persons who require the use of
 20 a wheelchair are unable to use public facilities on a "full and equal" basis unless each
 21 such facility is in compliance with the provisions of California Health & Safety Code §
 22 19955 et seq. Plaintiff is a member of the public whose rights are protected by the
 23 provisions of California Health & Safety Code § 19955 et seq.

24 42. The purpose of California Health & Safety Code § 1995 et seq. is to ensure
 25 that public accommodations or facilities constructed in this state with private funds
 26 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of
 27 Title 1 of the Government Code. The code relating to such public accommodations also
 28 require that "when sanitary facilities are made available for the public, clients, or

1 employees in these stations, centers, or buildings, they shall be made available for
2 persons with disabilities.

3 43. Title II of the ADA holds as a “general rule” that no individual shall be
4 discriminated against on the basis of disability in the full and equal enjoyment of goods
5 (or use), services, facilities, privileges, and accommodations offered by any person who
6 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).
7 Further, each and every violation of the ADA also constitutes a separate and distinct
8 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an
9 award of damages and injunctive relief pursuant to California law, including but not
10 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

11 **FIFTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 44. Plaintiff incorporates by reference each of the allegations in all prior
14 paragraphs in this complaint.

15 45. Defendants have a general duty and a duty under the ADA, Unruh Civil
16 Rights Act and California Disabled Persons Act to provide safe and accessible facilities
17 to the Plaintiff.

18 46. Defendants breached their duty of care by violating the provisions of ADA,
19 Unruh Civil Rights Act and California Disabled Persons Act.

20 47. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff
21 has suffered damages.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays for relief and judgment against
24 Defendants as follows:

25 1. For preliminary and permanent injunction directing Defendants to comply
26 with the Americans with Disability Act and the Unruh Civil Rights Act;

27 2. Award of all appropriate damages, including but not limited to statutory
28 damages, general damages and treble damages in amounts, according to proof;

1 3. Award of all reasonable restitution for Defendants' unfair competition
2 practices;

3 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this
4 action;

5 5. Prejudgment interest pursuant to California Civil Code § 3291; and

6 6. Such other and further relief as the Court deems just and proper.

7 **DEMAND FOR TRIAL BY JURY**

8 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby
9 demands a trial by jury on all issues so triable.

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11 Dated: June 2, 2025

SO. CAL. EQUAL ACCESS GROUP

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14 By: /s/ Jason J. Kim
15 Jason J. Kim, Esq.
16 Attorneys for Plaintiff
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